AGENT INDIANAPOLIS JOURNAL-Wm. L. Rice, 2605 West Michigan street. Tele-

nest Old, 28750; new, 3152. Territory west of White river. BERTERMANN BROS. New No. 241 Mass. ave., 225 N. Del. st. Tel. 840.

MANTELS AND GRATES-P. M. PURSELL (Mantels, Furnaces). PATENT LAWYERS-

H. LOCKWOOD, pamphlet or any general Information free of charge.
415-418 Lemcke Building. BALE AND LIVERY STABLES-HORACE WOOD (Carriages, Traps, Buck-boards, etc.) 25 Circle, Tel. 1097.

WALL PAPERS-H. C. STEVENS, New Style Wall Paper. Low prices. 330 N. Senate ave. Tel. 2 on 2552. FUNERAL DIRECTORS-FRANK BLANCHARD,

TUTEWILER & SON, Undertakers. 124 W. Market St. Tel. 216

FUNERAL DIRECTORS.

FLANNER & BUCHANAN-(Licensed embalmers.) Can ship diphtheria and scarlet fever. Lady embalmer ladies and children. 320 North Illinois street. Telephone 641, new and old.

C. E. KREGELO. 223 N. Delaware St. Residence 128 E. Vermont St. (Colonial Flats.) New Phone, 1749.

DIED.

CROSLEY-Helen Elizabeth Crosley, Monday 8 a. m., aged seven months, daughter of Harry and Effic Crosley, 1121 Park ave. Funeral and burial private.

LOANS-Money on mortgages. C. F. SAYLES,

FINANCIAL.

127 East Market street. LOANS-On city property; 5% per cent.; no com-mission; money ready. C. N. WILLIAMS & CO., 319 Lemcke building proved Indianapolis property; lowest rates; ilege of prepayment. SPANN & CO., 148

TTORAGE-INDP'LS WAREHOUSE CC. E. Kurtz, Pres. H. A. Crossland, Mgr. We STORE, PACK and HAUL. STOKAGE-The Union Transfer and Storage Company, corner East Ohio street and Bec-line tracks; only first-class storage solicited. CRATING AND PACKING OF HOUSEHOLD

STORAGE.

NOTICE.

GOODS A SPECIALTY.

NOTICE-JOSEPH GARDNER, tin work and furnaces, 39 Kentucky ave. Telephone 322. NOTICE—The Chicago Loan Co. has removed from 261 E. Wash. st. and taken possession of its new quarters, 431 E. Wash. st. Loans made on liamonds, watches, bicycles, clothing, etc.

REMOVAL.

REMOVAL-From corner Wash, and Ala. sts. to 14 N. Del. st. H. C. SCHERGENS, jeweler. WANTED.

WANTED-Experienced straw hat machine operator. A. G. RIST, 631 Main St., Cincin-WANTED-Ladies to call at Chambers's 5 and 10 pent store and see the mammoth display of arti-

cles of every description. 30 W. Washington st. WANTED-MISCELLANEOUS.

WANTED-Bicycle and gun repairing, key fitring. W. O. WOOD, 120 Virginia avenue. LADIES AND GENTLEMEN Have your clothes pressed, cleaned, dyed, re-paired and altered at GEORGE MICHELSEN, 5 W. Ohio street.

CARPET CLEANING. CARPETS thoroughly cleaned, 75c room. Capi-tol Carpet Cleaning Works. Both phones, 818.

MASSAGE AND BATHS.

MASSAGE, ELECTRIC and PERFUME baths, 145% W. Washington st., second floor. FOR SALE OR EXCHANGE. FOR SALE OR EXCHANGE-The equity in the

Urmston property, corner College av. and Twenty-second st. 195x215. A rare bargain. Quick deal. M'MINN & EVERETT, 140 Dearborn st., Chicago. DENTISTRY.

DENTISTRY-Scientific dentistry; thirty years' experience. S. F. EARHART, 164 Washington

street. Call and get prices.

LOST-A Scotch terrier pup, white body, black and tan neck and head; answers to name of Tip. Return to 424 E. Twenty-first st. and receive reward.

RUGS AND CARPETS. •••• RUGS AND CARPETS-A. W. Williams, manufacturer of rugs, portieres, hassocks and rag rpets, 515 Massachusetts avenue, Indianapolis, id. Old and new telephones 1074. Get prices

before buying.

WANTED-AGENTS. When building.

WANTLD-HELP.

WANTED-Any person who will distribute circulars for \$3 daily shold address STANDARD CO., 4 Wells, Chicago. Steady position. No

WANTED-MALE HELP. WANTED-Salesmen to sell our goods by sam-ple to wholesale and retail trade; we are the irgest and only manufacturers in our line in the

world; liberal salary paid. Address CAN-DEX MFG. CO., Savannah, Ga. WANTED-For U. S. army, able-bodied unmarried men between the ages of 21 and 35; itizens of the United States, of good conracter write English. Recruits specially desired for the revenue of this line. The present Beech tervice in Philippines. For information apply to Recruiting Officer, 25 N. Illinois st., Indianapolis, foot grade and the new arrangement will

SEALED PROPOSALS.

INDIANAPOLIS ARSENAL, IND., MARCH 11. 901-Sealed proposals in triplicate will be re ceived here until 10 a. m., April 11, 1901, for furnishing fuel during fiscal year, commencing July 1, 1901. U. S. reserves right to reject or accept any or all proposals or any part thereof. Information furnished on application. Envelop s containing proposals should be marked "Pro-posals for Fuel," addressed CHARLES SHALER, Major Ord., Q. M.

NOTICE OF FIRST MEETING OF CREDITORS.

the District of Indiana. In bankruptcy. In the matter of Charles J. Wilking, bankrupt. o. 870. In bankrupter To the creditors of Charles J. Wilking, of Indianapolis, in the county of Marion, and district aforesaid, a bankrup Notice is hereby given that on the 11th day of was duly adjudicated bankrupt; and that the first meeting of his creditors will be held at Room 511. Indiana Trust building, No. 117 East Washington street, in the city of Indianapolis. Marion county, Indiana, on the 23d day of March, A. D. 1901, at 9 o'clock in the forenoor at which time the said creditors may attend, prove their claims, appoint a trustee, examine he bankrupt and transact such other business as may properly come before said insetting.
ALBERT RABB, Referee in Bankruptcy. Indianapolis, Ind., March 12, 1901.

Extensions and Corporations.

The Chicago & Southeastern Railway aled a resolution with the secretary of to the road. One extension will be constructed from Muncie to Decatur, and the other from Brazil to Sullivan. The C. E. Banta Manufacturing and Importing Company, of South Bend, was incorporated yesterday, with a capital stock of \$1,000. The directors are C. E. Banta, Carlotta M. Banta and A. S. Lennox.

Still Another Case.

Yesterday did not pass by without a case of smallpox being reported to the city Board of Health. The latest victim is H. E. Chandler, aged twenty-three, white, who boards at 517 Hudson street. The board and Mr. Chandler are at a loss to ascertain where he contracted the disease.

INCREASE OF \$100,000,000

PENNSYLVANIA SHAREHOLDERS TO VOTE ON PROPOSITION.

231 Massachusetts ave. One Hundred and Forty Roads Represented at Maintenance of Way Convention-L. E. & W. Gains.

Philadelphia yesterday, decided to vote on the traveling public. the question of increasing the capital stock | J. C. Beam, Northwestern passenger of the company \$100,000,000 and to take a | agent of the Southern Railway, and L. E. 99 N. Delaware st. Tel. 411. Lady attendant. vote on the classification of the directors. Saupe, representing the Cotton Belt, were on Tuesday, March 26, when the annual under their supervision. election wiff be held. The capital stock is now \$151,700,000. The increase will bring be issued, the resolution adopted by the stop at Indianapolis thirty minutes for shareholders authorizing the "issuance, disposition and sale at a price not less than new shops at Topeka until the result of par of such increase, at such time or times the proposition of Topeka to vote a suband in such manner as the directors of said company shall by resolution prescribe." The thirteen directors of the company | the election in April. are to be divided into four classes, the first class to consist of four, and each of class for the term of one year; second class, three years, and those of the fourth

> for the term of four years. The New York Mail and Express yestersylvania Railroad Company were likely to to 900 loaded cars per week, and would in- son team, were conspicuous for their e elected directors of the Baltimore & crease the number at least 50 per cent., quick, aggressive work. Ohlo, he answered: 'The Pennsylvania can says one of the officials, could cars be have anything in the Baltimore & Ohio it | commended. that the Pennsylvania has very considerably increased its holdings of Baltimore & Ohio stock. The amount was given as high as 200,000 shares of the common and an equal amount of the preferred."

An Important Meeting.

Delegates to the annual convention of the American Railway Engineering and Maintenance of Way Association, which repre of 176,000 miles in Canada, the United States railroads of North America, and while the committee is limited to making recommendations to the various companies, their tles, masonry signs, fencing and cattle guard, signalling and interlocking, records | Point on the lines to Indianapolis, and reports, uniform rules and reorganization, water service, yards and terminals. Following the roll-call, President J. F. Wallace delivered his annual address, dealing with the growth of the association and ids & Indiana road, which met the apthe notable progress made in improving the roads by using better ballast and heavier

The Lake Erie & Western Thriving. G. J. Grammar, general traffic manager of erty and in the increasing of equipment. the Lake Shore and the Lake Erie & Western, spent the greater part of yesterday in the city in conference with Samuel B. Sweet, general freight agent of the Lake Erie & Western, and Assistant General Freight Agent Maxwell. Mr. Grammar says the owners of the Lake Erie & Western, recently acquired by the Lake Shore, are more than pleased with the develop ment of the property in the period it has been under Lake Shore control. Not a week has passed that increased earnings over been shown, ranging from \$5,000 to \$10,000 per week in excess of former years, Inlianapolis sharing in swelling the business, more loaded cars per week than when under control of the former owners, and the greater is the surprise owing to the nish 50 per cent, the number of cars which could be loaded. At eastern points like Cleveland and Buffalo there is still conmar is confident that the Lake Erie & Western will in the future present surprises in its growth in both passenger and treight traffic.

New York Central Plans.

The New York Mail and Express, last evening, printed the following: "Aside from and other equipment the New York Cen- and chorus from "Tannhauser" by the contemplation for the improvement of the roadway, double tracking and new construction, which, when finished, will probably cost from \$7,000,000 to \$10,000,000. One of the improvements is the replacing of all of | St. Paul's Church, in English's Opera modern new steel structures, which will greatly increase the capacity of these roads for a heavy freight traffic. It is estimated that this one item will cost somewhere in the neighborhood of \$2,000,000. In connection with the Pennsylvania division, the extension of the Beech Creek road, from Clear creek to Keating, about fifty miles, and an arrangement to use the tracks of the Pennsylvania Railroad, about forty-five miles, between Keating and the Jersey shore, is foot grade and the new arrangement will give it practically a level line, thereby enabling the company to hand long trains at a minimum of expense and yielding much larger net returns than the company's coal

Rates for Meetings.

The Western Passenger Association held a special meeting in St. Louis yesterday For the Knights Templars conclave at Louisville, Ky., in August, the same rate as that given by the Central Passenger Asmeetings were granted a one-fare rate plus \$2 for the round trip: Annual meeting of assistant cashier. He was for some years In the District Court of the United States for | the American Medical Association, St. Paul, June 4-7; head camp convention Modern pany of this city, where he rose to the Woodmen of America, St. Paul, June 11; annual meeting Mystic Shriners, Kansas City, June 11-12; annual meeting National Educational Association, Detroit, July 8-12: International Baptist Young People's darch, A. D. 1901, the said Charles J. Wilking Union of America, Chicago, July 11-14; National Irrigation Congress, Colorado Springs, July 12-16.

> Personal, Local and General Notes. C. E. Schaff, general manager of the Big Four lines, was in the city last evening, on his return from St. Louis and Peoria. Charles B. Mitchell, formerly with the Baltimore & Ohio, will go to Memphis as general agent of the freight department

of the Choctaw road, succeeding M. Rush. Albert Ingalls, superintendent of the Indianapolis and Cleveland divisions of the an injustice to Rev. J. Cumming Smith and Big Four, was in the city yesterday, in to the Presbyterian people of Noblesville. conference with J. Q. Van Winkle on train-

service matters. C. A. Chandler, civil engineer of the Wabash at Moberly, Mo., has been appointed assistant civil engineer of the Missouri Pacific lines, vice W. H. Bush, recently promoted. The Big Four this summer will expend

\$50,000 in the building of a stone arch for the roadway and a passage for a branch and filling up the long and high trestle west of Crawfordsville. The management of the Baltimore & Ohio lines has contracted for equipping its entire Pittsburg division with an automatic block signal system, the improvement to

cost complete \$1,000,000. The Big Four Gazette for March gives

Pan-American exposition at Buffalo, not only as to train service, but as to attrac-

tions at the exposition.

Levi D. Little, chief detective of the Pennsylvania system, died on Sunday at well known in this section. Representatives at this point of the Nickel-plate have received notice that the freight embargo on that line, which has existed for ten days, has been lifted and shipments east can be resumed.

Representatives of eastern roads met in Chicago yesterday and adopted uniform rules and regulations regarding the handling of baggage in the territory of the Central Passenger Association For several months the Evansville &

Indianapolis and the Southern Indiana The stockholders of the Pennsylvania have been at war, and the former road Railroad Company, at their meeting in makes no connection with trains of the Southern Railway, much inconveniencing

The Big Four has arranged to give the Maude Adams troupe a fast run from Cleveland to St. Louis on Sunday, March the total to \$251,700,000. Nothing was said | 24. The troupe will be carried on a special as to the manner in which the stock will train composed of seven cars, and will

> Ginner. The Santa Fe has suspended work on its sidy of \$40,000 to the enterprise is decided, the company having received information

On Monday Dr. C. B. Stemen completed his twenty-fifth year as surgeon of the Pennsylvania Company. He is known all cal Wabash Association was formed, and he was its first secretary. As the annual meetings of the roads

day had the following: "When a member Hamilton & Dayton is making the hand-FINANCIAL-First-morigage loans on im- of the firm of Kuhn, Loeb & Co. was asked somest earning exhibit in its history. At the local team and Davis of the Ander. if additional representatives of the Penn- Indianapolis the company is handling 800 the local team, and Davis, of the Ander-

> wants. He then explained that the situa- The Kentucky State Board of Valuation Harding, Pritchard, R. F. Cookson, R. F. tion was similar to that produced by the has refused a rehearing to the railroads Fleming, Reeves, L. F. Union Pacific's recent purchase of a large that sought to induce the board to revise Herson, C. block of stock in the Southern Pacific. He its rulings subjecting their corporate franadmitted that the burden of responsibility chises to county and city taxation. The Bates, L. G. for the future development of the B. & O. ruling subjects them to several hundred s now vested with the Pennsylvania Rail- | thousand dollars additional taxes annually road. It has been reported for several days | and affects all roads running into the State. As the result of a conference between President Ingalis, of the Big Four, and A. M. Mozier, general superintendent of the Erfe Railroad, an agreement has been reached whereby these will use the single track of the Erie and the Big Four, which will parallel between Marion and Galion,

The arrangement will go into effec Numerous extensions of the Chicago, Milwaukee & St. Paul Railway system are besents 140 railroads, with a total trackage ing planned. Arrangements have been completed for the building of several branch lines in Minnesota, Wisconsin and and Mexico, met in Chicago yesterday. The Illinois between now and the end of auprimary purpose of the association is to tumn. The extensions, with other proposed bring about a uniform condition in the improvements, will necessitate an outlay of more than \$3,000,000.

Since the absorption of the Mobile & Ohio the Southern Railway system ranks suggestions have great weight, as the mem- among four or five of the largest. It combers of the organization are heads of the pletely controls 8,361 miles of railways, engineering and operating departments of and has much to do with dictating tathe various roads. During the convention policy of roads which swell its mileage vention a year ago, will report on the fol- Indianapolis would be that the Southern lowing matters: Grades, ballasting, ties, secure control of the Monon lines and then \$53,112.40. rails, track, buildings, bridges and tres- carry out the policy of W. H. Doel, president of the Monon, and build from some J. H. P. Hughart, general manager of the Grand Rapids & Indiana, has returned from the East, where he set forth the improve-

ments he desired made to the Grand Rapproval of the higher authorities of the Pennsylvania Company. Several short extensions to manufacturing industries are planned, and at several points depots and yards will be enlarged and a large sum spent in general improvement to the prop-

WAGNERIAN MUSIC.

An Enjoyable Concert Given by the Musikverein.

The members of the German House were perhaps, more enthusiastic over the Wagher concert last night than any similar tween witnesses and Judge Daly, who comcorresponding weeks of past years has not | event of the season. This enthusiasm was demonstrated that their orchestra, chorus there being handled at Indianapolis 75 to 125 and musical talent is equal to the most dif- \$25 Buenting took his seat. At the conficult renditions, and, having conquered Wagner last night, they now feel that they fact that the road has been unable to fur- are able to handle any other composer siderable congestion of business. Mr. Gram- programme was carried through without being marred in any respect. The orchestra was composed of fifty-five pieces, strength- | deputies and taken to the Central Insane ened by bassoons and obea from Cincinnati, | Hospital, where he was forced to remain and the chorus contained about seventy- one night. It is said Heeg was arrested five female and fifty male voices. Each | when his brother was wanted. number received repeated encores from the big audience that crowded the hall to the rear doors and balcony.

The first number was an overture from brought forth much applause. is to retain control of the estate. This was Mrs. Edmunds's first appearance in public for several years, with the exception of a year ago, when she sang in the "Bohemian Girl," given by the women of House, and she was given a warm welcome "O Thou Sublime, Sweet, Evening Star," sung by Mr. Frank Taylor, was highly apal and appeared in the place of another singer. In the spinning chorus from the 'Flying Dutchman," Mrs. Edmunds, Mrs. F. M. Bachmann and Mr. Charles Parker were the soloists. In this rendition Mrs. Edmunds's voice was heard to better advantage, its compass being more apparent and the volume rising above the mixed chorus and full orchestra. The concert ended with "Die Meistersinger," by the chorus and orchestra. The music was under the direction of Alexander Ernestinoff. After the concert there was dancing.

Now Assistant Cashiers.

ing of the board of directors of the American National Bank, Mr. Theodore Stempfel, now discount clerk, and Mr. Andrew Smith, now paying teller, were elected assistant cashiers. This will temporarily

Mr. Stempfel is a German by birth, and had a thorough experience in Germany in a large bank, rising to the position of connected with the Indiana Trust Composition of trust clerk, Mr. Andrew Smith has had banking experience in this city ever since he was a boy of sixteen. For twenty-two years he

was in the employ of the Fletcher-Churchman Bank, and during sixteen years filled the position of paying teller. The rapid growth of the business of the American National Bank has necessitated this increased force and the promotion of these young gentlemen is distinctly upon

Rev. Mr. Smith's Noblesville Address.

the merit system.

To the Editor of the Indianapolis Journal: In to-day's issue of the Journal there appears an article headed: "Ministers Are Offended." This action of the Ministers' Association spoken of is misleading and is It is due Rev. Smith that I, as pastor of the Presbyterian Church here, and voicing say that the sermon preached here by Rev. Smith, March 6, was edifying and helpful. anything "worldly," and had those who seem to be so greatly exercised over what of what he said, they, too, would have been blessed and helped.

Pastor First Presbyterian Church. Noblesville, Ind., March 12, Have your furnac 3 looked after and re-paired. THOMAS E. HADLEY,

C. I. OVERSTREET.

much valuable information relating to the New Phone, 1006. 146 Kentucky ave.

He was prominent in several societies and LOCAL Y. M. C. A. TEAM EASILY DE-FEATS THE ANDERSON TEAM.

> Anderson Players Displayed No Team Work-Bates and Harden Carried Off Local Honors.

A poor crowd attended a poor game of basket ball last night at the Y. M. C. A. gymnasium in the contest between a team from the Anderson association and the local team. It was poor in that the local team made a runaway race with the city yesterday, it being the initial The stock will be voted on these questions | trip of both since Indianapolis was placed | the game in the first half, leaving the representatives from the gas belt hopelessly behind, the local team winning, 30-7. While the Y. M. C. A. team did not display their usual form, yet their work was of such fast kind and the tactics they displayed it seemed were too deep for the lighter and younger opponents, who seemed to work without a system, and oftentimes found themselves passing the ball into the hands of the locals. In the first half some | poned until return of record. that the proposition may be defeated at | pretty work was done by the Indianapolis team in bringing the ball down the stretch between the goals and between the opposing players. A criss-cross movement the other classes three directors, and will over the country as the dean of railroad was resorted to, and in that way it was complete transcript. Notice. be elected as follows: Those of the first surgeons. Through his influence the surgi- worked into safe territory and a goal from field was in most instances made. Of C. C. Petition for leave to number lines, class for four years, and at each ensuing | controlled by the Pennsylvania Company | team the majority of them were made annual election the number of directors | are held it is noticeable that L. F. Loree | from fouls attributed to local players. Of necessary to take the place of those whose tires as director, and Mr. Loree's name now among the local team, who thought they is taking the place of some one who re- this fault much complaint was heard from term of office then expires shall be elected appears in the directorate of fourteen in- | were being treated unfair, but as the score terests of the Pennsylvania lines East and | had begun to pile up no open complaint was made. The second half was not played in such

> Indianapolis. Anderson. Dorste, L. F. Hester, R. G. Carr, R. G. McCandless, L. G. Officials-Referee, Blackledge; umpires, Cookson and Jones, Summary: Goals from field-Cookson, 4; Carr. 2; Fleming, 2; Harding, 1; Pierson, 4: Hester, 4; Reeves, 1; Pritchard, 2. Fouls -Cookson, 1; Dorste, 2; McCandrell, 3; Davis, 4; Fleming, 4; Harding, 1; Hester, 2; Bates, 2; Reeves, 1; Pritchard, 2.

EXECUTOR'S ANNUAL REPORT.

Condition of Estate of the Late John Herron-Other Cases.

The annual report of Ambrose P. Stanton, executor of the estate of John Herron, was filed yesterday, in the probate department. During the year he sold real Yesterday he distributed to the Art Association as residuary legatee \$8,500 | ing is made, if any essential fact necesin cash and \$7,300 in notes, making a total sixteen committees, appointed at the con- to 8,884 miles. What would greatly benefit of \$15,800. The balance on hand, besides property to be disposed of, amounts to

Arrest of Louis Ehrman.

After two years, Louis Ehrman has been arrested on a grand jury indictment charging him with making false affidavit regardnot be found and it was under peculiar ment had been entered against him in the Circuit Court for \$8,000 on notes executed to his former wife, and he was in the sheriff's office attending to the settlement. While he was there the indictment was recalled and Ehrman was arrested. It is said that at one time he was wealthy, but now lives in a box car near Friendsville, Hendricks county.

Fined for Contempt.

In Police Court yesterday morning L. D Buenting, a lawyer, defending Agnes Zion, court. Buenting persisted in standing bemanded him to be seated. Buenting paid no attention to the orders of the court and was fined \$5. This was increased to \$10 and when Judge Daly increased the fine to clusion of the trial he paid the \$25.

Charles A. Heeg's Suit.

The suit of Charles A. Heeg against ex-Sheriff Cyrus J. Clark for \$10,000 damages for alleged false arrest was yesterday on trial in the Circuit Court. Heeg alleges that he was arrested by Clark's

Mrs. William Hardie's Estate.

The will of Mrs. William Hardie, proits heavy expenditures for rolling stock "Rienzi," which was followed by a march bated yesterday, leaves her estate to be

> THE COURT RECORD. SUPREME COURT.

19416. Moore vs. Ransdal. Clinton C. C Reversed. Baker, J .-- 1. A trust must be created before title under it can be ac-2. An agreement for which there preciated for two reasons; first, that he did is no consideration cannot be enforced it well, and second, that he had no rehears- against the heirs of the person to whom there was no consideration moving. 18921. Raper vs. American Tin-plate Company. Madison C. C. Affirmed. Hadley, J. Questions relating to instructing a jury to return a verdict for defendant must reach this court for decision by way of a new trial in the lower court, and cannot be assigned as independent error. 2. To present any question upon the giving of an instruction the latter must be in the record. 3. Laying an instruction into a motion for a new trial, or copying it into the transcript does not of itself, bring it into the record

19256. Morgan vs. Hoadley. Hendricks . C. Affirmed. Baker, J.-1. This court Yesterday, at the regular daily meet- on appeal cannot say which side of the case had the preponderance of the evidence. 2. Where a wife in a foreclosure of a chattel mortgage claims ownership of the property mortgaged by her husband t is proper for plaintiff to show various bill of sale and chattel mortgages executed by said husband to plaintiff with leave vacancles in the clerical force, which | the knowledge of said wife, for the purpose of working an estoppel of the wife. . A married woman may be estopped from claiming her own property exempt from payment of her husband's debts. Instructions must be excepted to in the trial court to be questioned on appeal, and all the instructions given should be con-

strued together. 18712. Hydraulic Company vs. Globe Paper Company. Elkhart C. C. Affirmed. Monks, J.-1. After the time for which a lease, if it had been executed, has expired, the performance of the stipulation and conditions of the lease itself cannot be specifically enforced; but, if the proposed lessee shows that he has changed his position in reliance on the oral agreement for the lease and that there has been such performance on his part as will take the ease out of the operation of the statute of frauds, a court of equity will decree the making of the lease in order to clothe him with such legal rights as would have attached under the lease had it been executed. 2. An oral agreement for making lease will not be specifically enforced against a proposed lessor, if the intended lessee has already broken a condition on which a forfeiture would arise; but if it is left fairly doubtful, on the evidence whether the condition has in fact been broken by the complainant lessee, the court will direct the lease to be executed and the sentiment of the people of this church, | ante-dated the time of the alleged breach. so that the issue may be fairly presented n an action at law. 3. The statutes of We did not understand him as indorsing | frauds do not abridge the power of the courts to compel specific performance of agreements in case of part performance Mr. Smith should have said been there to so as to take the contract out of the ophear him, and had they caught the spirit | eration of the statute of frauds. 4. Except | K. Robson, Edward O. Schiffling, Frank W. where expressly restricted by charter or | Olin, John F. Habbe. statute, corporations take by implication the right to use all reasonable means of executing their express powers, which a natural person might adopt in the exercise of similar powers. 5. An unsigned memorandum, a part of a conversation and transaction between parties, is admissible in evidence. 6. A check, together with the endorsements thereon, in payment of rent.

C. Irwin. Al Taffe, W. N. Bolen.

is admissible to show payment by the les-MADE A RUNAWAY RACE is admissible to show payment by the lessee up to the time of the trial. 7. Unanswered letters may under circumstances be admitted as evidence of admission by acquiescence of the statements contained

> 18904. Sarver vs. Clarkson. Montgomery C. C. Affirmed. Dowling, J .- In a suit to foreclosure a mortgage given for the unpaid purchase money of land, executed by the husband alone, the wife is not a necessary party defendant, nor is she a necessary party to a suit, by a vendor upon notes given by the husband to enforce a vendor's lien for the purchase

19620. Franklin vs. Franklin. Henry C. C. Reversed on request of appellee.

18710. Pinden vs. Board Commissioners. Jackson C. C. Petition for rehearing overruled. 18822. Langman vs. Marbe. Laporte C. C. Petition for rehearing overruled. 19183. Loy vs. Madison, etc. Company.

Madison C. C. Petition for rehearing over-19405. State vs. Engle. Marion C. C. Petition for rehearing overruled. 19463. Indianapolis Railway Company vs. Feinek. St. Joseph C. C. Motion to correct certificate of clerk sustained. 19563. Braxton vs. State. Floyd C. C. Certiorari granted. 19570 Hewett vs. Mills. Whitley C. C. Leave to complete transcript granted. 19123. Neff vs. Cordrey. Allen C. C. Motion to strike from files postponed. 19446. Holliday vs. Miller. Clay C. C. Motion to dismiss overruled.

19341. Emerich vs. Miller. Wabash C. C.

19364. L. S. & M. S. Ry. Co. vs. Butts.

Whitley C. C. Hearing of motion post-

19576. W. U. Tel. Co. vs. Ferguson. Mon-

Petition for release from bond denied.

roe C. C. Advanced. -Minutes.-19570. John Hewett vs. Elizabeth H. Mills et al. Whitley C. C. Motion for leave to 19364. Lake Shore & Michigan Southern

19505. State of Indiana vs. David H. Flynn et al. Tippecanoe C. C. Petition to advance, etc. 19520. Dolph Franklin vs. Albert Frank-lin et al. Henry C. C. Confession of error. 19446. William Holliday vs. George W Miller et al. Clay C. C. Appellant's brief on motion, etc. (2.) 19463. Indiana Railway Company vs. John Feirick. St. Joseph C. C. Motion to correct certificate of clerk sustained. 19563. Emmett Braxton vs. State of Indi-

ana. Floyd C. C. Certiorari granted and 19570. John Hewitt vs. Elizabeth H. Mills et al. Whitley C. C. Motion for leave to complete transcript granted. 19125. John Henry Neff, executor, et al. vs. Birdie M. Cordrey. Allen C. C. Appellants' motion to strike from files, etc., postponed until final hearing. 19446. William Holliday vs. George W Miller et al. Clay C. C. Appellees' motion to dismiss overruled. 18431. Murphy, Hibben & Co. vs. City of

Indianapolis. Marion C. C. Ordered that

the attorneys having record, etc., return the same forthwith. 19341. Louisa G. Emerich vs. Harvey L. Miller et al. Wabash C. C. Petition for release from bond denied. 19364. Lake Shore & Michigan Southern Railway Company vs. John Butts. Whitley C. C. Hearing of motion postponed until return of record, which is to be returned at

vs. Howard Ferguson. Monroe C. C. Cause advanced. APPELLATE COURT. 3411. Hibben et al. vs. Hicks. Lawrence

19576. Western Union Telegraph Company

Affirmed. Wiley, J.-1. When retail merchant becomes the owner of goods and sells them to another they cannot be taken by the first seller in an action in replevin. 2. Where a special findsary to a recovery is not found, or if the finding is silent as to a material fact necessary to be found, it is taken as a finding against the party having the burden of finding such fact. 3. Fraud is a question of fact and must be found as such; facts from which fraud may be presumed are

not sufficient. 3234. P., C., C. & St. L. Railroad Company vs. Gray. Cass C. C. Affirmed. Robinson, J.-1. A master is liable for such acts of his servant as are committed while in and some way connected with his service. The relation of carrier and passenger circumstances that he was arrested. Judg- | does not necessarily terminate when the carrier has carried the passenger to his destination and given him reasonable opportunity to leave the train in safety. 3211. Haggard vs. State. Tippecanoe C. Reversed, per curiam. Reversed upon the authority of Marmount vs. State, 48

3121. C., C., C. & St. L. Railway Company vs. Griffin. Montgomery C. C. Petition for rehearing overruled. 3192. Ault, etc., Company vs. Baker,

Morgan C. C. Petition for rehearing over-Oldenburg vs. Baird. Floyd C. C. Petition for rehearing overruled. Irwin vs. Marquett. Bartholomey Petition for rehearing overruled. C., I. & E. Railway Company vs. Mason, Howard S. C. Petition for rehearing overruled. -Minutes.-

3545. The Paul Reising Brewing Company vs. Felix Bochart et al. Clark C. C. Ap pellees' petition and brief for certiorari (8) 3406. Evansville & Indianapolis Railroad Company vs. William Butts, sr. Clay C. C. Appellant's reply brief. 3554. The Vernon Insurance and Trust Company vs. Richard B. Maitlen. Adams C. C. Appellee's brief (3.)

SUPERIOR COURT. Room 1-John L. McMaster, Judge. Martha Landers vs. State Bank of Indiana et al.; damages. On trial by jury. Room 2-James W. Leathers, Judge. George Knox, administrator, vs. William V. Jungclaus; damages. On trial by jury.

CIRCUIT COURT. Henry Clay Allen, Judge. WANTED-Agents wanted everywhere to write accident and health insurance. Address 49 and other equipment the New York Central Railroad has plans under way and in Edmunds's solo, "Elsa's Dream," from "Lo- when their father dies. During his life he court. Finding for plainties. Grace P. Shuter vs. Norris C. Shuter; divorce. Custody of child, Norma K., awarded to plaintiff. Judgment against defendant for costs. Alice B. Clayton vs. William W. Clayton divorce. Settled and dismissed without prejudice. Cost's paid. Carolina Lingenfelter vs. Lewis Chaman on notes. Defendant enters appearance and confesses judgment for \$8,662.50 without relief. Judgment on confession accordingly and for costs. Charles A. Heeg vs. Cyrus J. Clark et al.; damages. Plaintiff dismisses as to defendant Ernest W. Clark. Submitted to jury. Evidence heard in part.

CRIMINAL COURT. Fremont Alford, Judge. John Hogarty and Thomas Morley; grand arceny and robbery. Defendants each pleaded guilty to petit larceny. Each fined \$1 and sentenced to Indiana Reformatory for one to three years. Samuel Hinkle; seduction. Defendant files bill of exceptions. No. 1. Eliza Payne; grand larceny. Finding guilty of petit larceny. Fined \$1 and im prisonment in werkhouse four months. NEW SUITS FILED.

James E. Logan vs. Harry C. Landis complaint on judgment. Circuit Court. George W. Foss vs. Carl Rochow; mechanic's lien. Circuit Court. Mary Nichols vs. Betty Leons et al.; par tition. Circuit Court. Sarah J. Williams vs. Stanley Williams divorce. Circuit Court. Felix T. McWhirter vs. Anna M. White; mortgage foreclosure. Superior Court. John Hohn vs. Rhoda W. Braddock et al. on note and mortgage foreclosure. Superior | Court, Room 2.

Marion Club Committees. The new president of the Marion Club has announced the following committees: House Committee-William A. Bogardus.

chairman; R. T. Vietch, Thomas J. Carter.

Finance Committee-Lawson M. Harvey, chairman; Merle N. A. Walker, Milton

Membership Committee-Clinton L. Hare, chairman; Harry D. Tutewiler, Crate D. Brown. Entertainment Committee-James M Leathers, chairman; Thomas E. Potter, sr., Thomas C. Whallen, Dr. R. W. Garstang, William F. Hardy. Printing Committee-Charles O. Roemler. chairman; A. R. Hutchinson, R. W. Langsdale, A. W. Lowry, H. H. Woodsmall. Library Committee-John L. Ketcham sr., chairman; William F. Fowler, Isadore Fiebleman, Linton A. Cox, W. W. Dark. Auditing Committee-Oran N. Muir, chairman; Charles Spahr, John E. Milnor, Building Committee-Fred C. Gardner chairman; S. A. Morgan, J. S. Wright Frost E. King, Ira M. Holmes, Albert Scott, W. H. Kelly, Alfred E. Cook, George Strebel, A. B. Tuttle, P. A. Havelick, Dr. H. H. Wheeler, J. E. Shideler, Clarence Nichols, O. B. Henderson, S. M. Dyer, J Election Committee-John W. Bowles hairman; Floyd A. Woods, Frank Rieli-

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